

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

KRISTI SMITH,

Plaintiff(s),

v.

CLOVER PARK SCHOOL DISTRICT NO.
400,

Defendant(s).

NO.

NOTICE OF REMOVAL

TO THE CLERK OF THE COURT:

PLEASE TAKE NOTICE that defendant Clover Park School District ("Defendant"), hereby files its Notice of Removal pursuant to 28 U.S.C. § 1441(b) on the following grounds:

1. The state court action, *Kristi Smith v. Clover Park School District* (case no. 21-2-07481-4), was commenced in Pierce County Superior Court on September 16, 2021. Declaration of Aaron D. Kelley ("*Kelley Decl.*") ¶¶ 2 - 5, Exhibits. A - F. Plaintiff served Defendant on September 21, 2020. *Kelley Decl.*, ¶ 6 Ex. E. Defendant will file its responsive pleading pursuant to FRCP 81(c). Defendant has not filed any pleadings in this matter besides a Notice of Appearance. *Kelley Decl.* ¶ 7, Ex. F.

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NOTICE OF REMOVAL - 1
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NO.

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2. This is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331 and is one which may be removed to this Court by Defendant pursuant to the provision of 28 U.S.C. § 1441(a). It is a civil action raising a federal question under the laws of the United States as Plaintiff has alleged violations of the Family Medical Leave Act. This Court also may exercise supplemental jurisdiction over Plaintiff's state law claims under 28 U.S.C. § 1367. The Court should exercise supplemental jurisdiction as all other claims are part of the same case or controversy and the evidence needed to prove each claim is similar or identical. *Kelley Decl.* ¶ 4, Ex. C, Sec. III-X.

3. This Notice of Removal is filed within the time prescribed by 28 U.S.C. § 1446(b).

5. Defendant will give notice of the filing of this Notice of Removal to Plaintiff and will file a copy of this Notice of Removal with the Superior Court of the State of Washington for King County as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant respectfully requests that the state court Complaint be removed to this Court.

DATED this 15th day of October, 2021.

By /s/Mark F. O'Donnell

By /s/Aaron D. Kelley

Mark F. O'Donnell, WSBA #13606

Aaron D. Kelley, WSBA #49574

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Attorneys for Defendant Clover Park School
District No. 400

DECLARATION OF SERVICE

The undersigned declares under penalty of perjury under the laws of the State of Washington that on this day the undersigned caused to be served in the manner indicated below a copy of the foregoing document directed to the following individuals:

Counsel for Plaintiff Kristi Smith:

James W. Beck, Esq.
Eric D. Gilman, Esq.
Janelle E. Chase Fazio, Esq.
Beck Chase Gilman PLLC
711 Court A, Suite 202
Tacoma, WA 98402

☐ Via Messenger
☐ Via Facsimile –
☐ Via U.S. Mail, postage prepaid
☐ Via Overnight Mail, postage prepaid
☒ Via Court E-Service or email with
recipient's approval
james@bcglawyers.com
eric@bcglawyers.com
janelle@bcglawyers.com

DATED at Seattle, Washington, this 15th day of October, 2021.

/s/Jeanne Perrin
Jeanne Perrin